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THERESA MONSEUR KELLY

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

THERESA MONSEUR KELLY,

Plaintiff,

vs.

UNUM LIFE INSURANCE COMPANY  
OF AMERICA, UNUMPROVIDENT,  
CORPORATION, and MDL HEALTH PLAN,

Defendants.

Case No. C 05-02915-CW

**STIPULATION AND ORDER TO  
CONTINUE CMC SET FOR JANUARY  
29, 2008**

**STIPULATION AND ORDER TO CONTINUE CMC**

The parties stipulate as follows:

This action has been stayed pursuant to the Court's order to allow for the

defendant to reassess the plaintiff's disability claim. The claim reassessment process has concluded, and the defendant has found in the plaintiff's favor, reversing its previous decision to terminate disability benefits to the plaintiff. As a result, the defendant has paid past-due disability benefits to the plaintiff and reinstated her ongoing disability claim. Accordingly, the Court will not need to address the core issue as to whether the defendants wrongly terminated the plaintiff's disability benefits.

The parties are working to resolve any remaining issues in this action, including the plaintiff's request for attorney's fees and expenses. The parties are attempting to draft stipulations and a proposed order to conclude this action. The parties are hopeful that an agreement can be reached that avoids judicial intervention. In that regard, the parties request that the Case Management Conference, now set for January 22, 2008, be continued for one week, to **January 29, 2008, at 2:00 p.m.**

Dated: January 14, 2007

THE WOOD LAW FIRM, PLLC

By /s/ John D. Wood  
John D. Wood (Admitted Pro Hac Vice)  
Attorney for Plaintiff  
THERESA MONSEUR KELLY

Dated: January 14, 2007

EMISON, HULLVERSON, BONAGOFISKY

By /s/ Theo J. Emison  
Theo J. Emison  
Attorneys for Plaintiff  
THERESA MONSEUR KELLY

Dated: January 14, 2007

KELLY, HERLIHY & KLEIN, LLP

By /s/ Thomas M. Herlihy with permission  
Thomas M. Herlihy  
Attorneys for Defendants  
UNUM LIFE INSURANCE COMPANY OF  
AMERICA, UNUM PROVIDENT  
CORPORATION, and MDL HEALTH PLAN

**ORDER**

The Court accepts the stipulation of the parties. It is therefore ORDERED that the 2:00 p.m. January 22, 2008 Case Management Conference is continued to 2:00 p.m., January 29, 2008.

IT IS SO ORDERED.

1/15/08

A handwritten signature in blue ink, appearing to read "Claudia Wilken", with a long horizontal flourish extending to the right.

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CLAUDIA WILKEN, JUDGE OF THE  
UNITED STATES DISTRICT COURT